

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

**MARY LYNN SHUMATE,**  
Plaintiff

v.

CIVIL ACTION NO. 6:23-CV-32

**CITY OF LYNCHBURG, et al.**  
Defendants

**DEFENDANTS' MOTION TO DISMISS**

The defendants, by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, move for dismissal of the Complaint for failure to state a claim upon which relief can be granted.

WHEREFORE, for the reasons set forth in the accompanying Memorandum in Support of Motion, the defendants request the Court to dismiss the Complaint and award them their costs.

**CITY OF LYNCHBURG  
GREGORY WORMSER  
WYNTER BENDA**

/s/ John E. Falcone  
Counsel

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counsel for defendants

**CERTIFICATE**

I hereby certify that on this 29<sup>th</sup> day of June, 2023 I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system, which will serve all other counsel via e-mail.

/s/ John E. Falcone  
Counsel for Defendants

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